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SUBJECT: ELECTORAL REFORM COMMITTEE CHAIRPERSON UWAIS HOPEFUL ON

REFORM

CLASSIFIED BY: James P. McAnulty, Political Counselor, U.S. Embassy
Abuja, Political Section; REASON: 1.4(B), (D)

SUMMARY

¶1. (C) Assistant Secretary for African Affairs Johnnie Carson met with Electoral Reform Committee (ERC) Chairperson and retired Chief Justice Muhammadu Lawal Uwais February 10 to discuss electoral reform, prospects for return to military rule, need for expanded corruption investigations and prosecutions, and predictions for democratic elections in Nigeria. Chief Justice Uwais said he was energized by what he described as recent credible elections in both Edo and Anambra States. He expressed optimism that sufficient time remained to pull together an improved structure for the next national election. He acknowledged strong bilateral consensus on what needed to be done to further democracy in Nigeria. The Ambassador, DCM, Special Assistant Cook, and PolOff (notetaker) accompanied the Assistant Secretary to this meeting. END SUMMARY.

DESIGNATION OF ACTING PRESIDENT

¶2. (C) Assistant Secretary Carson emphasized the high regard with which the U.S. held Nigeria, noting the country's importance beyond its own borders, particularly in Africa. He queried the Chief Justice on his views regarding the February 9 National Assembly resolutions that officially designated Vice President Goodluck Jonathan as Acting President, due to the prolonged absence of President Yar'Adua while on medical vacation. Uwais seemed to agree with Carson's characterization of consensus among three key government institutions (the Senate, House of Representatives, and State Governors' Forum) as positive in eliminating uncertainty and delivering a strong voice for continuation of democratic governance. Chief Justice Uwais cautioned, however, that "Nigerians are litigious; so there is likely to be a court battle" over the resolutions.

MILITARY INTERVENTION NIXED

¶3. (C) Chief Justice Uwais noted that the military had recently lost some confidence in Nigeria's democratic institutions. He asserted that, with the Vice President's new authority, "now the military will not stage a coup; the atmosphere is not favorable to them." He noted that "the African Union and ECOWAS (Economic Community of West African States) are fed up with military rule." Uwais approved of the decision by national legislators to confirm the will of the people, who are in favor of the Vice President taking over from the ailing, and absent, President.

CORRUPTION A RECURRENT THREAT

¶4. (C) Assistant Secretary Carson brought up concerns regarding the adequacy of current efforts against corruption, which has eroded public trust. He recalled how a few years ago, then Economic and

ABUJA 00000161 002 OF 003

Financial Crimes Commission (EFCC) Chairperson Nuhu Ribadu had taken energetic steps against corruption, but now that effort appeared to have stalled. Chief Justice Uwais agreed that "more must be done" to fight corruption in both government and business. Ambassador Carson inquired about the case against former Delta State Governor James Ibori, to which Uwais opined that "very influential people who financed political campaigns are sacred cows" in Nigeria and therefore do not get punished. Uwais advocated building stronger cases against corrupt officials and entrepreneurs. He cited monopolies in cement, rice, and fuel imports, which behave "like the mafia." Uwais concluded that apart from the current Central Bank Governor's efforts to clean up domestic banks, the government is doing nothing else about corruption.

ELECTORAL REFORM

¶5. (C) Ambassador Sanders inquired about recommendations from the ERC that Uwais headed, while Assistant Secretary Carson noted upbeat statements he heard from President Yar'Adua last August regarding the President's pride in Uwais' efforts. Carson noted that Yar'Adua had acknowledged the 2007 election that brought him to power as a "flawed process" and had expressed hope to conduct improved elections in 2011. Assistant Secretary Carson informed Uwais about the recent U.S.-UK funded election assessment team, highlighting measures that the team said could be addressed without legislative action. Uwais said the team had erred in commenting on legal criteria that commissioners needed to fulfill. Election law stipulated for example that Commissioners must belong to political parties, which, in his view, negated a key ERC recommendation on designation of neutral Commissioners. DCM noted that changing the law would be unlikely before June, when the five-year term expired for the current Independent National Electoral Commission (INEC) Chairperson. Uwais asserted that any changes in the law would

require two years to implement, adding that only a year and one-half remained before the 2011 national elections.

¶6. (C) Chief Justice Uwais reiterated his recommendation that a period of six months elapse between the date of elections and the swearing-in of officials to allow sufficient time for the courts to resolve all legal challenges. He recommended, for example, that, if the next President were to assume office in May 2011, then the election would need to occur by November 2010. He lamented, however, that the much-needed election reforms would be difficult to achieve in the time remaining, even if the National Assembly approved legislative changes during the first quarter of this year.

REQUEST FOR U.S. HELP

¶7. (C) Chief Justice Uwais asked for U.S. support in improving the voter registry and to computerize it. He recommended posting the registry at polling places to allow voters to check their names and seek any necessary corrections before the next election.

PREDICTIONS

ABUJA 00000161 003 OF 003

¶8. (C) Uwais predicted that Vice President Goodluck Jonathan would likely become the presidential candidate of the ruling People's Democratic Party (PDP) for the 2011 national elections. The North, he said, would find this situation problematic, since Jonathan, a Christian, could potentially hold the Presidency for two four-year terms in addition to completing the remainder of the first term of Yar'Adua, a Muslim. Such a result would run counter to the PDP Constitution that calls for Northern and Southern politicians to rotate control of the Presidency every two terms or eight years.

CHRISTMAS DAY TERRORISM

¶9. (C) Ambassador Carson recalled the attempted bombing by a Nigerian citizen of a US. airliner last December 25, describing the incident as a shock to Nigerians, who witnessed their first direct involvement in an international terrorist attack. Chief Justice Uwais described the suspect's behavior as out of character for Nigerians and Muslims in general, observing that "suicide is not a common thought in Nigeria as we value life." He continued that "We might kill, we might be fanatics, but we do not commit suicide." As a Muslim himself, Uwais said Islam does not approve of suicide. He stated his view that suicide attacks would not increase here, noting that he believed that terrorists had recruited the individual outside the country.

¶10. (C) Assistant Secretary Carson asserted that 99.9 percent of Nigerians, just like their U.S. counterparts, would never become

suicide bombers. Nonetheless, it took only one such person to inflict damage. He encouraged Nigerian officials to raise public awareness and speak out officially against violent extremism, which has grown steadily in the Sahel, Somalia, and the northeast coast of Kenya, and could spread even further on the continent. Ambassador Carson emphasized to Uwais that no country, even Nigeria, is immune to terrorism or influence on their citizens by outside extremists.

COMMENT

¶11. (C) Former Chief Justice and ERC Chairperson Uwais remains a highly respected figure in Nigerian political and social circles. His stature lent considerable weight to the ERC, convened by President Yar'Adua in the wake of the flawed 2007 elections. Few figures know the country's electoral laws and its political system as well as he does. Many of his Committee's recommendations, including more objective selection procedures for the INEC Chairperson, are designed to promote better implementation of Nigeria's existing electoral laws. END COMMENT.

¶12. (U) Assistant Secretary Carson departed from Abuja before having the opportunity to clear on this telegram.

SANDERS